

REMARKS

In the Office Action, claims 1, 6, and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Chang (U.S. Patent No. 5,605,873). Further, claims 2-5, 14-19, 24 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Szweda et al. (U.S. Patent No. 5,488,017) and Carper et al. (U.S. Patent No. 7,090,894). Also, the Examiner has noted that nonelected claims must be canceled.

In response to the Office Action, independent claims 1 and 14 have been amended to expressly require that the indicator paint covers the surfaces of composite material panels in an aircraft. Further, amended claims 1 and 14 require that any composite material panel exhibiting a visible or color change must be evaluated to identify subsurface damage. Also, dependent claims 2-5, 9-13, 15-19 and 25 have been amended to correct antecedent bases and to further clarify the invention. Lastly, claims 6, 8, and 20-24 have been canceled. Support for the amendments is found in paragraphs 0022, 0023, 0024, 0032, 0033, 0034, and 0035, as well as in Figs. 1-4.

Amendments to the claims have been presented herein to improve the readability of the claims and to point out the features which distinguish this invention over the cited art. Also, these amendments have been made to more clearly define the method of the present invention. Claims 1-5, 9-19 and 25 are now pending.

Rejections under 35 U.S.C. § 102(b)

In the Office Action, claims 1, 6, and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Chang.

As amended, the current invention requires an indicator paint that covers composite material panels in an aircraft. Importantly, the indicator paint is utilized to provide a visual indication that a composite material panel has undergone subsurface damage. Further, the claimed method requires the step of evaluating a composite material panel exhibiting the visual indication to identify any subsurface damage.

In contrast to the present invention, Chang discloses the use of a chromogenic composition printed on security documents such as checks to prevent photoduplication. Unlike the present invention, Chang does not disclose use of its composition on composite material aircraft. Further, Chang does not disclose the use of its composition to identify potential subsurface damage of its security documents. Also, Chang does not disclose nor envision the need to evaluate any subsurface damage to its security documents.

Because Chang fails to disclose or suggest several required elements in the pending claims, it is believed that the rejection of claims 1 and 9-11 has been traversed by amendment. Therefore, claims 1 and 9-11 are believed to be patentable over Chang.

Rejections under 35 U.S.C. § 103(a)

In the Office Action, claims 2-5, 14-19, 24 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chang in view of Szweda et al. and Carper et al.

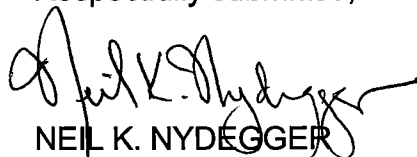
Neither Szweda et al. nor Carper et al. disclose or suggest the use of an indicator paint on a composite material aircraft. Further, neither Szweda et al., nor Carper et al. disclose or suggest the use of a visual indication of subsurface damage in a composite material. Lastly, neither Szweda et al. nor Carper et al. disclose or suggest any step for evaluating subsurface damage in a composite material panel in response to a visual indication of an impact. As a result, no combination of Chang, Szweda et al, and Carper et al. discloses or suggests the claimed invention. Therefore, claims 2-5, 14-19 and 25 are believed to be patentable over any combination of Chang, Szweda et al, and Carper et al.

For the reasons set forth above, Applicant contends that the bases for rejecting claims 1-5, 9-11, 14-19 and 25 for being anticipated or obvious have been overcome and should be withdrawn. Thus, Applicant respectfully asserts that claims 1-5, 9-19 and 25 are patentable for the reasons set forth above, and that the Application is now in condition for allowance. Accordingly, an early notice of allowance is respectfully requested.

The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 6th day of January, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil K. Nydegger", with a stylized flourish at the end.

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